

Application No.: 10/549,303
Art Unit: 2614

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 053121

REMARKS

Claims 1-10 are pending in the present application. Claims 1-3, 6 and 7 are amended. No new matter has been presented. In light of the aforementioned amendments and accompanying remarks, Applicants earnestly solicits favorable consideration.

Claim Rejections – 35 U.S.C. § 112

Claims 1–10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to point out what is included or excluded by the claim language. Claim 1 recites the limitation “viewing/listening,” and the Examiner contends it is not clear if the limitation indicates viewing only, or listening only, or viewing and listening. As such, the Examiner contends this claim is an omnibus type claim.

Applicants have amended claims 1-3, 6 and 7 which addresses the rejections under 35 U.S.C. § 112 second paragraph.

On the Merits

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 6-8 and 10 stand rejected under 35 U.S.C. § 103(a) as being anticipated by *Fernandez* (US Patent 6,590,602) in view of *Takashima* (JP Publication 07-298162; based on

machine translation) and further in view of *Uehara* (JP Publication 09-149333, based on machine translation).

Independent Claim 1:

Independent claim 1 recites:

A mobile apparatus comprising:

- ¹a broadcast receiving function for receiving a television broadcast; and
- ²a telephone communication function for performing a telephone communication, wherein
- ³an audio output device comprising a left-channel audio output unit and a right-channel audio output unit, and
- ⁴an audio processing circuit for outputting a left-channel signal of a television audio to the left-channel audio output unit and outputting a right-channel signal of the television audio to the right-channel audio output unit when a telephone communication is not performed and the television is viewed and listened to,
- ⁵the audio processing circuit further generating a monaural television audio signal from the left-channel signal and the right-channel signal of the television audio, outputting a monaural television audio using one of the left-channel and right-channel audio output units and outputting a telephone-received audio using the other audio output unit in the case of performing the telephone communication at the time of viewing and/or listening to the television, are provided.

The Examiner contends that the above recited features are disclosed or made obvious by the three references referred to above. Applicant respectfully disagrees with the Examiner and traverses the rejection.

Regarding element 5, as labeled above, the Examiner acknowledges it is not disclosed by *Fernandez* or *Takashima*, but instead contends it is disclosed in *Uehara*.¹ *Uehara* is directed toward “a receiver serving as a function for a monitor camera, a video telephone system and facsimile receiver while enjoying a television broadcasting image by a television receiver.” (Abstract.)

The Examiner points to paragraphs [0006], [0009], [0010] and [0021] as relevant passages and suggests that these passages enable a user to have a phone conversation while watching TV.

Paragraph [0006] of *Uehara* discloses that *Uehara's* invention aims to provide a television receiver serving as a function for a video telephone system.

Paragraph [0009] of *Uehara* discloses that the television receiver according to *Uehara's* invention comprises a remote controller, which serves as a cordless handset of a telephone by transmitting audio to a telephone line.

Paragraph [0010] of *Uehara* discloses that when a video signal is input from the telephone line in the television receiver, the input video image is displayed at a predetermined position of the display screen as a slave screen.

¹ On lines 10 and 11 of page 4 of the Office Action, it is believed the Examiner meant to state “*Fernandez* in view of *Takashima* does not teach how to deal with the audio traffic upon having a phone conversation.”

Paragraph [0021] of *Uehara* recites as follows:

In a case of telephone conversation over a telephone line 3, a remote controller 17 with a built-in microphone serves as a cordless handset and transmits audio inputted from the microphone to the telephone line 3 over the FM wave "H", thereby enabling telephone conversation. It is also possible to pick up an image of a user operating the television receiver by a camera 1 and send out the still image over the telephone line 3. In this case, a switching circuit 9 is changed over based on a switching signal D from a microcomputer 16 to supply the video signal inputted from the camera into a signal modulation circuit 10. The signal modulation circuit 10 then modulates the signal such that the still image can be sent out over the telephone line 3, and outputs the thus obtained signal. By doing so, the audio and the still image can be transmitted. It is noted that the switching circuit 9 can be changed over such that an output from the camera 1 is displayed on the television receiver.

Furthermore, as described in paragraphs [0015] - [0017] and shown in the upper left diagram of Fig. 2, *Uehara* discloses that when the television receiver receives an output from the telephone line 3 while receiving a television signal and watching and/or listening the same, the still image sent over the telephone line is displayed on a CRT 18 along with a television image.

In view of the paragraphs [0006], [0009], [0010], [0021] and [0015] - [0017] cited above, *Uehara* discloses the following:

- a) In a case of telephone conversation over a telephone line 3, a remote controller 17 with a built-in microphone serves as a cordless handset and transmits audio inputted from the microphone to the telephone line 3 over the FM wave "H".
- b) An image of a user operating the television receiver is picked up by a camera 1 and the still image is sent out over the telephone line 3.

c) When the television receiver receives an output from the telephone line 3 while receiving a television signal and watching and/or listening the same, the still image sent over the telephone line is displayed on a CAT 18 along with a television image.

Uehara is completely silent about the audio signal transmitted from the telephone line 3.

Fig. 2 does not show where the audio signal transmitted over the telephone line 3 is supplied at all.

Further, Applicant notes that in claim 3, *Uehara* recites:

A television receiver which equips said television receiver with a remote control device which performs various control in the television receiver according to claim 2,

and this remote control device transmits a sound to said telephone line, and is provided with a function as a cordless handset of a telephone. Emphasis added.

Thus from the above recited passage, it appears that the remote control operates as a “cordless handset of a telephone.” A typical cordless handset of a telephone has a microphone to speak into and a speaker which outputs sound.

However, Applicant submits that the references do not suggest **how** the respective elements interact with each other to disclose the claimed invention.

Specifically, claim 1 recites that when the telephone and television features are used at the same time, the sound from the television audio is output onto a single channel (i.e. left or right), while the telephone audio is output to the other channel. *Uehara* does not disclose or fairly suggest this feature. *Uehara* simply appears to disclose that a telephone call can be made while watching television.

Looking at the diagram of figure 1 of *Uehara*, there is not any switching circuit or other features which would enable it to control the individual channels of the audio output when both the television and telephone are being used.

Additionally, Applicant notes that claim 1 recites a mobile apparatus to comprise both a television broadcast receiving function and a telephone communications function. In *Uehara*, the television receiver appears to be separate and distinct from the telephone unit.

Applicant respectfully asks the Examiner to specifically address where any of the references discloses outputting monaural audio from the television on one channel and outputting audio from the telephone on the other channel when both devices are used at the same time.

In view of the remarks above, Applicant respectfully submits that element 5 of claim 1 is not disclosed in *Uehara*.

Dependent Claims 6-8 and 10:

As claims 6-8 ultimately depend from claim 1, the arguments presented above regarding claim 1 also apply to its dependent claims.

Dependent Claims 2-5:

Claims 2-5 stand rejected under 35 U.S.C. § 103(a) as being anticipated by *Fernandez* (US Patent 6,590,602) in view of *Takashima* (JP Publication 07-298162; based on machine translation), in view of *Uehara* (JP Publication 09-149333, based on machine translation), and further in view of *Eves* (WO Publication 01/97560).

As claims 2-5 ultimately depend from claim 1, the arguments presented above regarding claim 1 also applies to its dependent claims.

Dependent Claim 9:

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being anticipated by *Fernandez* (US Patent 6,590,602) in view of *Takashima* (JP Publication 07-298162; based on machine translation) and *Uehara* (JP Publication 09-149333; based on machine translation) and further in view of *Dimitrova* (US Publication 2002/0140862).

As claim 9 ultimately depends from claim 1, the arguments presented above regarding claim 1 also apply to its dependent claims.

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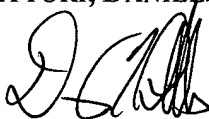
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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